



## Firearms Update - Antique Firearms

11/18/04

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As of October 21, 1998, the definition of "antique firearms" is as follows:

(16) The term "antique firearm" means --

(A) any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; or

(B) any replica of any firearm described in subparagraph (A) if such replica --

- (i) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition, or
- (ii) uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade; or

**(C) any muzzle loading rifle, muzzle loading shotgun, or muzzle loading pistol, which is designed to use black powder, or a black powder substitute, and which cannot use fixed ammunition. For purposes of this subparagraph, the term 'antique firearm' shall not include any weapon which incorporates a firearm frame or receiver, any firearm which is converted into a muzzle loading weapon, or any muzzle loading weapon, which can be readily converted to fire fixed ammunition by replacing the barrel, bolt, breechblock, or any combination thereof.**

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Below is a list of known muzzle loading weapons to be "firearms" as defined in 18 U.S.C., Chapter 44, Section 921(a)(3). They are NOT antique firearms as defined above:

- H&R/New England Firearms (NEF) Huntsman
- Thompson Center Encore and Contender
- Savage Model 10ML (1st version)
- Mossberg 500 with muzzle loading barrel



- Remington 870 with muzzle loading barrel
- Mauser 98 with muzzle loading barrel
- SKS with muzzle loading barrel
- RPB sM10 with muzzle loading barrel
- Muzzle loading penguins

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## **NEW DEFINITION OF ANTIQUE FIREARM**

In November 1997, ATF issued Industry Circular 98-2 stating that muzzle loading weapons that used primers as an ignition system did not meet the definition of an antique firearm.

In December 1997, Modern Muzzleloading Inc., filed a lawsuit in The United States District Court for the District of Columbia challenging ATF's classification of the muzzle loading Knight Disc rifle as a firearm. On August 8, 1998, the District Court held that ATF properly classified the Knight Disc rifle as a firearm.

MODERN MUZZLELOADING, INC. v. MAGAW, 18 F. Supp. 2d 29, 37 (D.D.C. 1998).

Public Law 105-277, the Omnibus Consolidated Appropriations Act of 1999 (effective October 21, 1998) amended the definition of the term "antique firearm" in section 921(a)(16) of Title 18, United States Code. As defined in 18 U.S.C. § 921(a)(16)(C) the term "antique firearm" now includes -

"any muzzle loading rifle, muzzle loading shotgun, or muzzle loading pistol, which is designed to use black powder, or a black powder substitute, and which cannot use fixed ammunition. For purposes of this subparagraph, the term 'antique firearm' shall not include any weapon which incorporates a firearm frame or receiver, any firearm which is converted into a muzzle loading weapon, or any muzzle loading weapon which can be readily converted to fire fixed ammunition by replacing the barrel, bolt, breechblock, or any combination thereof."

Industry Circular 98-2 is no longer valid. The Knight Disc rifle and other similar muzzle loading rifles that meet the above definition are now excluded from the provisions of 18 U.S.C. Chapter 44, the Gun Control Act of 1968.



Weapons manufactured in or before 1898 and replicas of such weapons using antique ignition systems or replicas using ammunition which is no longer available in the ordinary channels of commercial trade, are still antique firearms as previously defined. Certain muzzle loading weapons such as modern mortars, rocket launchers, and firearms converted into muzzle loaders are still "firearms" as defined in 18 U.S.C. § 921(a)(3).

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